THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.7127 of 1998

Dated: 07.02.2007

Between:

Chitakala Sreerama Murthy S/o China Appara Naidu and others.

..... PETITIONERS

AND

The Mandal Revenue Officer, Koyyuru Mandal, Visakhapatnam District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.7127 of 1998

ORDER:

Petitioners claim to have been in possession of various extents of land in Sy.No.62/2 of Kondagokira village, Koyyuru Mandal, Visakhapatnam District. Originally, the said land was an estate land, and was stated to be barren with shrubs and bushes and the petitioners reclaimed the same and brought under cultivation by spending huge amount, and they have been raising dry crops on the said land. While so, after abolition of the Estate, petitioners filed petitions before Settlement Officer, Visakhpatnam, for grant of ryotwari pattas under Sections 7 and 9 of the Andhra Pradesh Scheduled Land Transfer Regulation, 1959 (for short "the Regulation) but the Settlement Officer dismissed the petitions. Aggrieved thereby, petitioners preferred

appeals before the Director of Survey and Settlements, Government of Andhra Pradesh, Hyderabad, and the same were also dismissed by a common order. Questioning the same, petitioners preferred second appeal before the Commissioner of Survey, Settlements and Land Records and the same is pending. While so, the first respondent, through the Village Administrative Officer alleged to have tried to evict the petitioners from the said land, without issuing any notice and without affording any opportunity, on the ground that the appeal preferred by the petitioners before the Director of Settlements was dismissed. Hence, this writ petition.

A detailed counter is filed on behalf of the respondents. It is stated in the counter that Kondagokira village in Koyyuru Mandal was an Inam Estate and was taken over by the Government on 29.07.1955 under the provisions of Estate Abolition Act, 1948. The said village was declared as Scheduled Area under the provisions of the Regulation. During survey and settlement operations, the Settlement Officer, Anakapalli granted ryotwari pattas in favour of the Tribal people. The petitioners herein were not in possession of the scheduled lands prior to the notified date of the estate and they were only cultivating the lands by paying rents to Tribals and they have forcibly occupied the land subsequent to the notified date, and therefore, they were not granted any patta. It is further stated that though the second appeal filed by them before the Commissioner of Survey, Settlements and Land Records is pending, petitioners filed this writ petition alleging that the first respondent tried to evict them from the said land. It is concluded that petitioners failed to produce any documentary proof establishing the fact that they were inducted into the scheduled land prior to the notified date, and hence, they are not entitled to any relief.

Heard the counsel for both the parties.

Admittedly, the petitions filed by the petitioners under Section 7(1) of Regulation 2 of 1970 for grant of ryotwari pata were rejected by the Settlement Officer, against which an appeal was preferred and the appellate authority i.e, the Director of Settlements also confirmed the order passed by the Settlement Officer, and against the said order, the petitioner preferred second appeal before the Commissioner of Survey and Settlement and the same is pending. Having preferred second appeal, it is not known as to how and why the petitioners filed this writ petition instead of waiting for the outcome of the second appeal pending before the Commissioner of Survey and Settlements. Hence, I see no merits in this writ petition. However, having regard to the fact that while issuing rule nisi, this Court directed both the parties to maintain status quo, the same shall be continued till the disposal of the second appeal preferred by the petitioners before the Commissioner of Survey, settlements and Land Records, Hyderabad.

With the above observation, the writ petition is disposed of. There shall be no order as to costs.

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07.02.2007

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